

SENATE BILL REPORT

SB 5091

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, February 1, 2017

Title: An act relating to removing expiration dates, obsolete dates, and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act.

Brief Description: Removing expiration dates, obsolete dates, and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act.

Sponsors: Senators Takko, Rivers and Wellman; by request of Utilities & Transportation Commission.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 1/19/17, 2/01/17 [DP].

Brief Summary of Bill

- Removes the January 1, 2013, deadlines for the Safety Committee.
- Removes the December 31, 2020, expiration date for enforcement provisions.
- Updates an obsolete statutory reference.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown, Hobbs, Honeyford, Ranker, Short and Wellman.

Staff: Kelsey Morfitt (786-7407)

Background: The Underground Utilities Damage Prevention Act. In 1984, the Legislature enacted the Underground Utilities Damage Prevention Act (Act), known as the Call Before You Dig Law (Dig Law), to protect underground facilities—pipes, conduits, cables, wires, and sewers—from damage and assign responsibilities for locating and record keeping of facilities, as part of a comprehensive damage prevention program.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Act requires anyone excavating to call the statewide, nonprofit 8-1-1 one-number locator service before digging begins to locate and mark all underground utilities. In 2011, the Act was amended to require reporting of all damage to underground utility facilities, provide the Utilities and Transportation Commission (Commission) with authority to take enforcement action for violations, develop a stakeholder process to review violations, and encourage better excavation practices. Among other provisions, the legislation, which took effect on January 1, 2013:

- required facility operators to subscribe to a one-call locator service;
- increased penalties for violations;
- authorized the Commission and the Washington State Attorney General's Office (AGO) to enforce violations by assessing civil penalties, or other remedial actions; and
- created a Safety Committee to promote safe excavation practices and review complaints of alleged violations.

Safety Committee. The Commission is authorized to contract with a one-number locator service to create a Safety Committee. The purpose of the Safety Committee is to: (1) advise the Commission and other state agencies, the Legislature, and local governments on best practices and training to prevent damage to underground utilities and policies to enhance worker and public safety; and (2) review complaints alleging violations involving practices related to underground facilities.

The Commission's authority to contract with a one-number locator service and the Safety Committee expires on December 31, 2020.

Enforcement of Civil Penalties. The Commission and the AGO may enforce the Dig Law. The Commission and the AGO's authority to enforce the Dig Law expires on December 31, 2020.

Summary of Bill: The expiration date of December 31, 2020, is removed for the (1) Commission to contract with the one-number locator service, (2) enforcement of the Dig Law by the Commission and the AGO, and (3) Safety Committee.

An outdated statutory reference and obsolete references to January 1, 2013, are also removed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: In 2006, Congress passed the PIPES Act, which includes promoting fair and consistent enforcement of the Dig Law. Since the 2013 updates to the state's Dig Law, the number of 811 calls has increased and the number of pipeline accidents has gone down. Revenue from penalties goes toward education and outreach about the Dig Law. This bill allows the Safety Committee to continue to provide

education on the Dig Law, review complaints, and enforce Dig Law provisions. All utility operators pay part of the cost to mark utilities.

Persons Testifying: PRO: Lauren McCloy, Utilities and Transportation Commission; Dave Christensen, Washington 811/Board Member, Safety Committee/Chair; Jon Cornelius, Washington 811/Chair.

Persons Signed In To Testify But Not Testifying: No one.